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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,518	10/17/2001	Jean-Marc Wanner	NY-GRYN 204-US	7690

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EXAMINER

PHAM, TUAN

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 02/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/981,518

Applicant(s)

WANNER, JEAN-MARC

Examiner

TUAN A PHAM

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8, and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunsicker (U.S. Patent No.: 4,650,657).

Regarding claims 1, 10, and 11, Hunsicker teaches a telephone comprising (see figure 1): a memorization or indication device for memorizing or indicating data related to incoming and/or outgoing calls on a telephone line (see figure 1, store date and end of call 46, col.2, ln.48-68, col.6, ln.26-35); and a detector for outputting a line state signal of the telephone line to the memorization or indication device (see figure 1, on/off hook detector 11, col.4, ln.51-62); and wherein the memorization or indication device is operable to memorize or indicate the data relative to call duration as a function of the line state signal of the telephone line, thereby providing reliable call duration data of the telephone (see figure 1, time of day and date 40, col.6, ln.26-43).

It should be notice that Hunsicker does not specify the calls start on a telephone and terminate on another telephone on the telephone line and at least one telephone without the memorization or indication device. However, it would have been obvious that more than one telephone set can be connected to the telephone line Tip and Ring.

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Therefore, as long as either one of the telephone set is off-hook, the monitoring device continuously counts the total minutes of the call until the called hang up the handset, e.g., called party pick up the telephone set in the kitchen and later pick up another telephone set in the living room. While the called is changing the handset from one to another handset the telephone line is still off-hook. Starting on one telephone handset and terminating on other telephone handset as claimed that would not involve any inventive feature since it is just a matter of changing the telephone handset from a different telephone handset around the house for a purpose of conveniently moving from room to room.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of calls start on a telephone and terminate on another telephone on the telephone line as mention above in order to allows the called party to move around the house without terminating the call.

Regarding claim 2, Hunsicker further teaches the telephone wherein the memorization or indication device comprises an unanswered call indicator for indicating when an incoming call is not answered as determined from the line state signal (see col.6, ln.1-10).

Regarding claim 3, Hunsicker further teaches the telephone wherein the line state of the telephone is either a busy state or a free state (i.e., off-hook or on-hook); and wherein the memorization device is operable to memorize communication times of incoming calls by determining time elapsed between two line state changes for each incoming call (see col.6, ln.1-43).

Regarding claim 4, Hunsicker further teaches the telephone wherein the memorization device is operable to memorize received numbers of the incoming calls (see figure 1, col.10, ln.1-40).

Regarding claim 5, Hunsicker further teaches the telephone wherein the line state of the telephone is either a busy state or a free state (i.e., off-hook or on-hook); and wherein the memorization device is operable to memorize communication times of outgoing calls by determining time elapsed between two line state changes for each incoming call (see col.7, ln.23-67).

Regarding claim 6, Hunsicker further teaches the telephone wherein the memorization device is operable to memorize called numbers (see figure 1, store called number 25, col.5, ln.1-14).

Regarding claim 7, Hunsicker further teaches the telephone further comprising a called number detector for detecting numbers dialed on the telephone line, thereby memorizing call numbers dialed from other telephones on the telephone line (see col.7, ln.1-48).

Regarding claim 8, Hunsicker further teaches the telephone wherein the called number tone detector is a DTMF decoder (see col.3, ln.19-24).

3. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hunsicker (U.S. Patent No.: 4,650,657) in view of Mincone et al. (U.S. Patent No.: 4,585,904, hereinafter, "Mincone").

Regarding claim 9, Hunsicker fails to clearly teach the telephone further comprising: a processor having a memory; and a device for receiving programming signals over the telephone line, the programming signal being downloaded to the memory of the processor; and wherein the processor is operable to restore the data as a function of the line state of the telephone line. However, Mincone teaches such features (see col.7, ln.1-58) for a purpose of controlling the telephone device.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of teach the telephone further comprising: a processor having a memory; and a device for receiving programming signals over the telephone line, the programming signal being downloaded to the memory of the processor; and wherein the processor is operable to restore the data as a function of the line state of the telephone line, as taught by Mincone, into view of Hunsicker in order to operate the information in the telephone device.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In order to expedite the prosecution of this application, the applicants are also requested to consider the following references. Although Weinberger et al. (U.S. Patent No. 4,122,308), and Hashimoto (U.S. Patent No. 4,459,432 are not applied into this Office Action; they are also called to Applicants attention. They may be used in future Office Action(s). These references are also concerned for supporting the system and method for monitoring the incoming and outgoing calls.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Tuan A. Pham** whose telephone number is (703) 305-4987. The examiner can normally be reached on Monday through Friday, 8:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz can be reached on (703) 305-4708 and

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA, Sixth Floor (Receptionist, tel. No. 703-305-4700).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have question on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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January 28, 2005
Examiner

Tuan Pham


CURTIS KUNTZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600